

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE FIRST NATIONAL BANK, a national
banking association,

Plaintiff,

vs.

Civ. No. 99-1497 WWD/DJS

THE KANSAS BANKERS SURETY COMPANY,
a Kansas corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion in Limine Re: Advice of Counsel filed December 28, 2000 [docket no. 52]. Plaintiff seeks to bar any attempt on the part of Defendant to rely on the "advice of counsel" defense at trial. Defendant disclaims any intent to raise this defense; however, Defendant argues that it should not be precluded from fully explaining its actions in handling the claim in question. The "advice of counsel" defense will not be allowed at trial; however, Defendant will be allowed to explain its actions in this case including the explanation of its actions in the handling of the claim in question.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE